

or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to five thousand rupees, and, in the case of continuing offence, with an additional fine which may extend to two thousand rupees for each day after the first during which the offence continues.

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, in any theatre or institute which is the property of Government where the exhibition, performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, is held with the permission and under the control of the military authorities.

296. Discharging fire-works, fire-arms, etc.— Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-balloons or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to two thousand five hundred rupees.

297. Power to require buildings, wells, etc., to be rendered safe.— Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Chief Executive Officer, in a ruinous state or, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chief Executive officer, by notice in writing may, require the owner, or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier, thereof, to remove the same or may require him to repair, or to protect or to enclose, the same in such manner as he thinks necessary; and, if the danger is, in the opinion of the Chief Executive Officer, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

298. Enclosure of wasteland used for improper purposes.— The Chief Executive Officer may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER XIV

REMOVAL AND EXCLUSION FROM CANTONMENTS AND
SUPPERSION OF SEXUAL IMMORALITY

299. Power to remove brothels and prostitutes.—The Officer Commanding Station or the Board may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of information received, summon the owner, lessee, tenant or occupier of the building to appear before him or the Board as the case may be either in person or by an authorised agent, and, if the Officer, Commanding the Station or the Board, is then satisfied as to the truth of the information, may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

300. Penalty for loitering and importuning for purposes of prostitution.—
(1) Whoever in a cantonment loiters for the purpose prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military, Naval or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, in whose presence the offence was committed, or of a police officer not below the rank of Assistant Sub-Inspector, who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the Station with the concurrence of District Magistrate.

301. Removal of persons from cantonment.—If the Officer Commanding the Station or the Board is, after such inquiry as he or it thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence, under section 300, or of the abetment of such an offence he or, as the case may be, the Board may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the Station or the Board.

302. *Removal and exclusion from cantonment of disorderly persons.*—(1) A Judicial Magistrate of the First Class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

- (a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents, a common gaming house, a disorderly drinking shop or a disorderly house of any other description; or
- (b) has been convicted more than once either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code (45 of 1860); or
- (c) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974); either within the cantonment or elsewhere to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summon to such person requiring him to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid and the copy shall be served along with the summons on the person against whom the summon is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person is required to be removed therefrom and be prohibited from re-entering the cantonment, the Magistrate shall inform the matter to the Officer Commanding the Station and, the Officer Commanding the Station shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station.

303. *Removal and exclusion from cantonment of seditious persons.*—(1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty; disaffection or breach of discipline amongst any portion of the forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act, the Officer Commanding the Station may make an order in writing setting forth the reasons

for making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station:

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the District, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Officer Commanding the Station shall forthwith send a copy of the same to the Central Government.

(4) The Central Government may of its own motion and shall on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make after such inquiry as the Central Government may prescribe a report regarding the justice of the order and the necessity therefor:

Provided that at every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Central Government may, at any time after the receipt of the copy of an order sent under sub-section (3) or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, make such orders thereon as it thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the General Officer Commanding-in-Chief, the Command for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

304. *Penalty.*—Whoever—

(a) fails to comply with an order issued under this Chapter within the period specified therein or whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission; or

(b) knowing that any person has, under this Chapter been required to remove from the cantonment and has not obtained the requisite permission to re-enter it; harbours or conceals such person in the cantonment,

shall be punishable with fine which may extent to five thousand rupees and in case of continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV

POWERS, PROCEDURES, PENALTIES AND APPEALS

Entry and inspection

305. Powers of entry.—It shall be lawful for the President or the Vice-President of a Board, or the Chief Executive Officer, or the Health Officer or any person specially authorised by the Chief Executive Officer, or the Health Officer or for any other person authorised by general or special order of a Board in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 274 or section 283 or to authorise the conferment upon any person of any such power.

306. Power of inspection by member of a Board.—A Board may by special order authorise or order any member to inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.

307. Power of inspection, etc.—(1) A Board or the Chief Executive Officer may, by general or special order, authorise any person—

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the Board or the Chief Executive Officer.

308. Power to enter land, adjoining land where work is in progress.—
 (1) The Chief Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on the same.

(2) The Chief Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three day's previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The Chief Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

309. Breaking into premises.—It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

**310. Entry to be made in the day time.*—Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

311. Owner's consent ordinarily to be obtained.—Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of

the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours, written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 277 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

312. Regard to be had to social and religious usages.—When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

313. Penalty for obstruction.—Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to five thousand rupees.

Powers and duties of police officers

314. Arrest without warrant.—Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in schedule IV:

Provided that—

(a) in the case of a breach of any such provisions as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 300 except—

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

315. *Duties of police officers.*—It shall be the duty of all police officers to give immediate information to the Board of the commission of, or attempt to commit any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and employees in the exercise of their lawful authority.

Notices

316. *Notices to fix reasonable time.*—Where any notice, order or requisition made under this Act or any other rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

317. *Authentication and validity of notices issued by Board.*—(1) Every notice, order or requisition issued by a Board under this Act or any rule or bye-law made thereunder shall be signed—

(a) either by the President of the Board or by the Chief Executive officer; or

(b) by the members of any committee especially authorised by the Board in this behalf.

(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or set-forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be sufficient evidence thereof.

(3) Every license, written permission, notice, bill summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-President or the Chief Executive officer,

or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.

318. *Service of notice, etc.*—(1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or servant or his family, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees, or occupiers than one to any one of them; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult member or servant of the family of any such owner, lessee, occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult member or servant of his family shall be deemed to be service upon the minor.

319. *Method of giving notice.*—Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place during such period, or is published in such local news paper or in such other manner, as the Board may direct.

320. Powers of Board in case of non-compliance with notice, etc.—In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, or the civil area committee or the Chief Executive Officer at whose instance the notice, order or requisition has been issued whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Chief Executive Officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 324:

Provided that where the action or step relates to the demolition of any erection or re-erection under section 248 of the removal of any projection or encroachment under section 252, the Board or the civil area committee or the Chief Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.

321. Occupier not to obstruct owner when complying with notice.—If the owner of any property in respect of which a notice as is referred to in section 320 has been given is prevented by the occupier from complying with such notice, the Board or civil area committee or the Chief Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such actions as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.

Recovery of money

322. Liability of occupier to pay in default of owner.—(1) If any such notice as is referred to in section 320 has been given to any person in respect of property of which he is the owner, and he fails to comply with the notice so given, the board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or of any part thereof to pay to it or him instead of to the owner any rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under section 320: